

Message Text

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AMEMBASSY PRAGUE
AMEMBASSY SOFIA
AMCONSUL MUNICH

C O N F I D E N T I A L WARSAW 0298

E.O. 11652: GDS
TAGS: PINT, PL
SUBJECT: POLISH PRESS CRITICIZES WARSAW COURT

REF: BUTCHER-CHOJECKA MEMCON AUGUST 31, 1976 (NOTAL)

1. SUMMARY. THE INFLUENTIAL WEEKLY POLITYKA HAS CRITICIZED AN UNNAMED POLISH PROSECUTOR FOR GIVING A WORKER A TWO-YEAR SENTENCE FOR ACTIONS WHICH WERE LEGALLY NEITHER CRIMES NOR MISDEMEANORS. THE ARTICLE'S AFFIRMATION OF THE RIGHT OF PUBLIC DISCUSSION OF LEGAL PROCEDURES APPEARS TO OPEN THE DOOR FOR DEBATE ON THE TRIALS STEMMING FROM THE JUNE DISTURBANCES. END SUMMARY.

2. THE JANUARY 15 EDITION OF POLITYKA CARRIED AN EDITORIAL BY ZYGMUNT SZELIGA ENTITLED "NULLA GRIMEN SINE LEGE" WHICH CHASTIZED THE WARSAW VOIVODESHIP COURT FOR THOUGHTLESS PROCEDURE. ZSELIGA BEGINS BY STATING THAT PUBLIC DIS-

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CUSSION OF COURT DECISIONS IS AN INTRINSIC PART OF THE LEGAL PROCESS. HE CONTINUES THAT "FROM TIME TO TIME," HE IS "THUNDERSTRUCK" BY PRONOUNCEMENTS FROM THE JUDGE'S BENCH. RECENTLY, THE POLISH SUPREME COURT OVERRULED A TWO-YEAR SENTENCE PASSED ON "MR. K" FOR LYING ABOUT PREVIOUS EMPLOYMENT ON A JOB APPLICATION IN ORDER TO CONCEAL THE FACT THAT HE HAD SPENT A YEAR IN PRISON. THE PROSECUTOR DISCOVERED

THE FACT BY "RUMMAGING THROUGH" THE DEFENDANT'S PAST WHEN HE APPEARED IN A COURT FOR SOME OTHER REASON. SZELIGA SAYS THAT ALTHOUGH MR. K'S ACT WAS "MORALLY CENSURABLE," EVEN THE COURT CLERK SHOULD HAVE REALIZED THAT NO LEGAL GROUNDS FOR PROSECUTION EXISTED.

3. SZELIGA CONCLUDES THAT THE CASE RAISES QUESTIONS ABOUT THE LABOR CODE, WHICH MOVES SOMEONE TO LIE ABOUT PAST DEEDS WHEN HE IS LEGALLY NO LONGER REQUIRED TO ANSWER FOR THEM. SZELIGA ADMITS HE FACES A DILEMMA IN HIS OWN THINKING ON THE SUBJECT, BUT ADDS THAT THE PROSECUTOR SHOULD ALSO HAVE REFLECTED ON THE MATTER BEFORE SENTENCING "MR. K".

4. COMMENT: SZELIGA RAISES POINTS WHICH DIRECTLY PERTAIN TO THE COURT CASES ARISING FROM THE JUNE 24 PRICE RISE DISTURBANCES. HE (1) INDIRECTLY CRITICIZES THE SECRECY SURROUNDING THE FIRST RADOM AND URSUS TRIALS; (2) CRITICIZES HOLDING TRIALS FOR ACTIVITIES NOT SPECIFICALLY PROHIBITED; (3) NOTES THAT THE LABOR CODE HAS SHORTCOMINGS; AND, (4) FIRMLY OPPOSES THE PRESUMPTION THAT PAST CRIMINAL RECORDS CAN BE USED AGAINST A CITIZEN WHO HAS SERVED HIS SENTENCE.

5. SINCE JUNE, THE POLISH AUTHORITIES HAVE SOUGHT TO PRESENT THE RADOM AND URSUS DEMONSTRATIONS AS THE WORK OF A MARGINAL, CRIMINAL, SOCIAL ELEMENT. THE PROSECUTOR GENERAL, LUCJAN CZUBINSKI, MOST RECENTLY DEMONSTRATED THIS APPROACH IN HIS REPORT TO THE SEJM COMMITTEE FOR INTERNAL AFFAIRS AND THE ADMINISTRATION OF JUSTICE.
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TRYBUNA LUDU OF JANUARY 6 REPORTED CZUBINSKI'S STATEMENT THAT "ABOUT HALF" THE PEOPLE WHO WROTE LETTERS COMPLAINING OF POLICE METHODS IN RADOM AND URSUS "HAD PREVIOUSLY BEEN IN TROUBLE WITH THE LAW, OFTEN MORE THAN ONCE, AND HAD SERVED SENTENCES FOR CRIMINAL OFFENSES." WE HAVE HEARD AT LEAST ONE REPORT THAT POLICE ROUNDED UP RADOM WORKERS FOLLOWING THE DEMONSTRATIONS SOLELY BECAUSE THEY HAD POLICE RECORDS (REF).

6. POLITYKA EDITOR-IN-CHIEF MIECZYSLAW RAKOWSKI REPORTEDLY TOLD A BRITISH COLLEAGUE THAT HIS NEWSPAPER HAD RECEIVED LARGE QUANTITIES OF MAIL CALLING FOR A SEJM COMMISSION TO REVIEW THE RADOM AND URSUS EVENTS. THE SZELIGA ARTICLE MAY BE THE FIRST PUBLIC SIGN OF OFFICIAL SANCTION FOR SUCH A REVIEW. IN ANY CASE, IT BRINGS POLITYKA TO THE SIDE OF THOSE ADVOCATING REVIEW OF THE JUNE EVENTS.
END COMMENT.
BROWN

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